

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION **F1**

RECEIVED
CHARLOTTE, N.C.
2005

JUN 02 2005

JUN 02 1964
 Clerk, U.S. District Court
 W. Dist. of N.Y.

GREGORY VAN DE BERGHE,

Plaintiff,

V.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

FILED
ASHEVILLE, N. C.

JUN - 3 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.
04CV158

CIVIL NO. 1:04CV158


**NOTICE OF SETTLEMENT OF EAJA PETITION AND
CONSENT ORDER OF DISMISSAL**

THIS MATTER is before the Court upon plaintiff's "Petition for Attorney's Fees" pursuant to the Equal Access to Justice Act, (EAJA), 28 U.S.C. § 2412(d). This EAJA petition is the only matter remaining for the Court. By their respective signatures hereon, the parties hereby give notice that the amount of the EAJA fee has been settled and agree to a dismissal of the EAJA petition without prejudice to its renewal should the settlement not be consummated.

WHEREFORE, for the forgoing reasons, the EAJA petition is dismissed without prejudice.


The Clerk is directed to send copies of the Order to counsel for the parties.


SO ORDERED, this the 3rd day of June, 2005.


LACY H. THORNBURG
UNITED STATES DISTRICT JUDGE

WE CONSENT:

GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY


PAUL B. TAYLOR
Assistant United States Attorney
Chief, Civil Division


ELEANOR MacCORKLE
Counsel for the Plaintiff (Gregory Van De Berghe)